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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AMANDA FRLEKIN, AARON GREGOROFF,
SETH DOWLING, DEBRA SPEICHER; AND
TAYLOR KALIN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No. 13cv03451-WHA

**JOINT STIPULATION TO VACATE
DEADLINES, STAY ALL
PROCEEDINGS, AND PERMIT 34-
DAY NOTICE; PROPOSED ORDER**

Place: Ctrm. 12, 19th Floor
Judge: Hon. William Alsup

Case No. 13-cv-03451 WHA
JOINT STIPULATION TO VACATE DEADLINES, STAY ALL PROCEEDINGS, AND PERMIT 34-
DAY NOTICE; PROPOSED ORDER

Pursuant to Local Rule 7-12, Plaintiffs Seth Dowling, Aaron Gregoroff, Taylor Kalin, and Debra Speicher on the one hand, and Defendant Apple Inc. on the other hand, by and through their counsel of record, hereby stipulate, subject to the Court's approval, to: (1) vacate all litigation deadlines for this case, including the third-party administrator's November 15, 2021 deadline to serve the notice of claims procedure and claim form to class members; (2) stay all proceedings in this action, except such proceedings that are necessary to obtain preliminary and final approval of the parties' class-wide settlement; and (3) permit Plaintiffs' Motion for Preliminary Approval of Class Action Settlement ("Motion for Preliminary Approval") (Dkt. No. 416) to be heard on December 16, 2021 on 34 days' notice. The parties base their requests on the following:

WHEREAS, on April 14, 2021, the Court ordered that notice of the claims procedure and claim form be disseminated to class members (Dkt. No. 407);

WHEREAS, the Court has on multiple occasions extended the deadline for the third-party administrator to serve the notice of claims procedure and claim form to class members to allow the parties to negotiate the terms of their settlement agreement, with the most recent order extending the deadline to November 15, 2021 (Dkt. Nos. 409, 411, 413, 415);

WHEREAS, as described in Plaintiffs' Motion for Preliminary Approval and the Joint Declaration of Lee S. Shalov and Kimberly A. Kralowec filed in support thereof (Dkt. Nos. 416, 416-1), filed on November 12, 2021, the parties have executed an agreement to settle this action on a class-wide basis, subject to the Court's approval;

WHEREAS, as part of the settlement agreement, the parties agreed, "[s]ubject to Court approval, . . . to stay all proceedings in the Action, except such proceedings necessary to implement and complete the Settlement, pending the Final Approval Hearing to be conducted by the Court[]" (Dkt. No. 416-2, ¶ 3.7.6);

WHEREAS, Local Rule 7-2(a) provides, in part, "Except as otherwise ordered or permitted by the assigned Judge or these Local Rules, . . . all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing no less than 35 days after filing of the motion[]"; and

1 WHEREAS, Plaintiffs noticed the hearing on their Motion for Preliminary Approval for
2 December 16, 2021, which is 34 days after the filing of their Motion for Preliminary Approval.

3 THEREFORE, the parties request that the Court issue an order (1) vacating all litigation
4 deadlines for this case, including the third-party administrator's November 15, 2021 deadline to
5 serve the notice of claims procedure and claim form to class members; (2) staying all proceedings
6 in this action, except such proceedings that are necessary to obtain preliminary and final approval
7 of the parties' class-wide settlement; and (3) permitting Plaintiffs' Motion for Preliminary Approval
8 (Dkt. No. 416) to be heard on December 16, 2021 on 34 days' notice.

9 Dated: November 12, 2021

DLA PIPER LLP (US)

11 By: /s/ Matthew Riley
12 JULIE DUNNE
13 MATTHEW RILEY
14 *Attorneys for Defendant Apple Inc.*

15 Dated: November 12, 2021

McLAUGHLIN & STERN, LLP

17 By: /s/ Lee Shalov
18 LEE SHALOV

19 *Attorneys for Plaintiffs and the Class*

20 **ATTESTATION**

21 In accordance with Local Rule 5-1(i)(3), I attest that the other Signatories named above have
22 concurred in the filing of this document.

23 Dated: November 12, 2021

DLA PIPER LLP (US)

25 By: /s/ Matthew Riley
26 Matthew Riley
27 Attorney for Defendant
28 APPLE INC.

[PROPOSED] ORDER

Pursuant to the parties' stipulation, the Court finds good cause exists to order the following:

1. All litigation deadlines for this case, including the third-party administrator's November 15, 2021 deadline to serve the notice of claims procedure and claim form to class members, are VACATED;
2. All proceedings in this action are STAYED, except such proceedings that are necessary to obtain preliminary and final approval of the parties' class-wide settlement; and
3. The Court PERMITS Plaintiffs' Motion for Preliminary Approval (Dkt. No. 416) to be heard on December 16, 2021, on 34 days' notice pursuant to Local Rule 7-2(a).

IT IS SO ORDERED.

Dated: _____

William Alsup
United States District Judge